IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12881 of 2005

Between:

Darisipudi Venkata Ramisetti, S/o. Venkata Ratnam, Hindu,
R/o Siddharthanagar Quarry Market, Hamadaspeta,

Rajahmundry, DMC, Rajahmundry,

East Godavari District.

..... PETITIONER

AND

1. The Commissioner, Rajahmundry, Municipal Corporation,

Rajahmundry, East Godavari District.
2. The Commissioner, Town Planning, Rajahmundry, Municipal

Corporation, Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the Respondents in proposing to lay the road to my land in R.S. No. 78, extent of 396 Sq. yards situated at Venkatapuram Village, Ramadaspet, Rajahamundry Municipal Corporation, Rajahmundry, East Godavari District as being illegal, arbitrary, unconstitutional and violative of Article 300-A of the Constitution and apart from violative of principles of natural justice and consequently direct the respondents to drop all further proceedings.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents: MR.S.NAGESWARA REDDY (SC for

Municipal Corporation

The Court made the following:

-

-

-

-

-

-

ORDER:

-

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in proposing to lay the road to the land of the petitioner in R.S.No.78, admeasuring 396 sq. yards situated at Venkatapuram Village, Ramadaspet, Rajahmundry Municipal Corporation, Rajahmundry, East Godavari District without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

3. The learned counsel for the petitioner contended that the petitioner is the absolute owner of a house site admeasuring 396 square yards in R.S.No.78 of Venkatapuram Village, Ramadaspet Grampanchayat, Rajahmundry and he purchased the said site from Sri B. Seshagiri Rao in the year 1980 under a registered sale deed and since then he has been in peaceful possession and enjoyment of the said site without any hurdle or interruption from any quarter. It is further alleged that without initiating the land acquisition proceedings, and without issuing any notice, the respondents are trying to propose for laying the road to the land of the petitioner.

4. On the other hand, the learned standing counsel for the respondents contended

that on mere apprehension only, the petitioner filed this writ petition, and the respondents have not been taken any steps for possessing the house site of the petitioner.

5. The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

6. Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for possession of house site of the petitioner without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

_____

(ELIPE DHARMA RAO, J)

Date: 16.06.2005

Note:

Issue CC today.

B/o

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Rajahmundry, Municipal Corporation,

Rajahmundry, East Godavari District.

2. The Commissioner, Town Planning, Rajahmundry, Municipal

Corporation, Rajahmundry, East Godavari District.

3. 2 CD copies

*Form-NIC-OGS/WP{**SPJS**}*